

1 recognized, but it's there.

2 When you are certifying compliance with  
3 CAM, it's important to recognize that that also  
4 provides limits. We're not saying that we are  
5 100 percent certain that we are in compliance.  
6 You can never, ever, under any circumstances, say  
7 you are a hundred percent certain. The key is  
8 that given all the information that's there,  
9 including the CAM monitoring, can we reasonably  
10 certify compliance. And in most of the cases or  
11 all the cases I've been involved with CAM, that  
12 definitely has been the case.

13 MR. HARNETT: Marcie Keever?

14 MS. KEEVER: I'm actually just wondering if  
15 you could provide us with more examples -- the  
16 first thing you mentioned was just that  
17 consolidation has made review much easier for your  
18 clients.

19 MR. EVANS: Oh, yeah.

20 MS. KEEVER: I'm really interested in  
21 examples, because I know I'm definitely seeing  
22 some and want to hear it from your perspective.

23 MR. EVANS: In the past you had a situation  
24 where you had sometimes as many as 20 or 30 state

1       permits all issued at different points in time,  
2       all with different expiration dates, and some of  
3       which might be in the file, some of which, you  
4       know, "The guy that was here two years ago kept  
5       all that stuff at his desk, and he's no longer  
6       here, so we have to dig that up."

7               Quite frankly, a lot of times in the  
8       past we could never even find some of the  
9       information that supposedly was in the permit.  
10      The instances of those kinds of things has just  
11      gone way down because of Title V.

12             Even if it's a thousand-page Title V  
13      permit, I would rather have a thousand pages all  
14      nice and neat and in front of me so I can page  
15      through it, than, you know, the 200 pages of  
16      scattered documents that all expire at different  
17      times. You're never sure whether you actually  
18      have everything that you need. So it's been, I  
19      think, very successful in that regard.

20             MR. HARNETT: Carol Holmes?

21             MS. HOLMES: Hi. Thank you for coming.

22             I have two; one quick, one maybe  
23      not-so-quick question.

24             One is follow-up to what Steve was

1       saying.  If you -- if your clients, I guess, are  
2       getting permits that they think have extra terms,  
3       these pound per hours which derive from nothing,  
4       as far as you or the permit writer could tell  
5       you -- and I'm not suggesting this, because I know  
6       Padmini is already busy enough.  Do you guys ever  
7       petition us to review the permit as being  
8       erroneous?

9               MR. EVANS:  We certainly do that as an  
10       absolutely last resort.  The first thing we do is  
11       an attempt to talk to the permit writer.  In some  
12       cases there is very little discretion, and it  
13       really depends on how far the source wants to push  
14       it.

15               I think we have suggested to a couple of  
16       permit authorities that we would do that, and some  
17       of the terms have been either modified or  
18       withdrawn.

19               In other cases, I think it was clear to  
20       us that it would be a very difficult fight because  
21       of the way that the state permit for the state  
22       Title V program is issued, that it probably would  
23       require some type of regulatory or statutory  
24       change in order to get those out of there.

1           I think the programs themselves  
2           sometimes almost mandate that. So I don't believe  
3           we've ever challenged, but we've come close to  
4           challenging, and we've -- either sometimes we've  
5           backed off or sometimes the state has backed off,  
6           depending on what the circumstances are.

7           MS. HOLMES: Then I had another question for  
8           you, if we have a few minutes.

9           MR. EVANS: Yes.

10          MS. HOLMES: I wanted to know your thoughts  
11          on an issue I'm sure is going to make Shannon's  
12          hair stand on end, but it involves the parametric  
13          monitoring issue.

14          MR. EVANS: One of my favorite topics.

15          MS. HOLMES: Exactly.

16                 If you had a sense, you could use  
17          whatever temperature accommodation with respect to  
18          time, as long as you know what you -- you would  
19          have to stay in a certain temperature parameter or  
20          time retention parameter. But I understand for  
21          expense and convenience sometimes what you want to  
22          do is set up the parameters that you monitor  
23          instead.

24                 So let's say we know that as long as you

1        stay between 800 and 900 degrees -- well, that's  
2        too low -- 1,500 and 1,600 degree and three-second  
3        retention time, that there is no way you're going  
4        to be busting your emission limit.

5                My problem is when you go below that by,  
6        say, 50 degrees, I have no idea what your  
7        emissions are. I had the burden of proving the  
8        case, but you have all the information. So in my  
9        mind that's setting up some kind of presumption  
10       that when you're outside the parameter, you have  
11       to rebut and show that "well, I was using four  
12       seconds for that day," or, "I was at 50 percent  
13       capacity," or something. It helps out because  
14       then all I know is you're outside of the parameter  
15       that we know is compliance, but I can't prove  
16       noncompliance because I don't have the information  
17       because the only thing we tested was within that  
18       parameter range.

19               MR. EVANS: Certainly one of the things when  
20       we're developing parameter ranges with our  
21       clients, I really encourage them to push their  
22       process as close to noncompliance as possible.  
23       One of the problems we have with doing that is --  
24       and this has come up on more than one occasion --

1       they would like to push their process all the way  
2       to noncompliance when they're doing a parameter to  
3       really see where that line is; you know, "At what  
4       point do we cross over?" But they're afraid if  
5       they do, they'll have to report that, and then  
6       they'll get fined.

7                So they're very leery about pushing  
8       their process to that point. Because they would  
9       like to know, too. I mean, in many cases they  
10      would like to know, "At what point am I, in fact,  
11      out of compliance?" But they won't quite go to  
12      that limit in a lot of cases because of fear of  
13      having to report a noncompliance.

14               In some cases, like an oxidizer, a  
15      thermal catalytic oxidizer, the engineering  
16      calculations for that are reasonably simple. If  
17      you know what's going in and you know what it  
18      takes to destroy those particular compounds, I  
19      think you could probably come up with a reasonable  
20      idea of whether or not you're in compliance below  
21      those limits.

22               It gets fuzzier with more complex  
23      processes and complex parameters; the O<sub>2</sub> and nox,  
24      nox seems like a simple thing, but there are so

1       many factors that go into the relationship between  
2       oxygen and nox formation that it turns out to be  
3       an extremely site-specific issue.

4               So if you are a little bit under on your  
5       nox, and you don't have that data, you don't have  
6       a clue as to whether you're in or out. I don't  
7       think, without that data, you'd be able to make a  
8       definitive determination in some cases as to  
9       whether you're in or out.

10           MR. HARNETT: Shelley Kaderly?

11           MS. KADERLY: Actually, Carol asked both my  
12       questions. Thank you.

13           MR. EVANS: Did I answer your question okay?  
14       I don't know.

15           MS. HOLMES: Well, I just wanted to know what  
16       your thoughts were, so sure.

17           MR. EVANS: Okay. You got them.

18           MS. HOLMES: I wasn't looking for a  
19       definitive yes or no.

20           MR. HARNETT: Keri Powell?

21           MS. POWELL: You mentioned how you thought  
22       nox standards should be handled. One of the  
23       options that you provided was that there would  
24       just be a broad incorporation by reference of the

1       entire MACT.

2               As an advocate, that's pretty  
3       frustrating, because the MACT has all, choose your  
4       own adventure which way you go on issuing  
5       compliance -- I mean, on complying with that rule.  
6       So I think advocates are at even more of a  
7       disadvantage than the source, because we don't  
8       have all the knowledge of the source to know what  
9       they're supposed to do.

10              I would guess that it would cause the  
11       same problems for the source --

12              MR. EVANS:  Oh, it does, it does.

13              MS. POWELL:  (Continuing) -- that it leaves  
14       it ambiguous as to what they're supposed to.  So  
15       why do you think that would be a good approach?

16              MR. EVANS:  Well, I think that incorporating  
17       by reference is equally frustrating than throwing  
18       the whole MACT standard in there.  I don't think  
19       it gives you any more level of detail of  
20       information.

21              Ultimately, if a source is going to  
22       comply, they need to go through that process of  
23       going through that MACT line by line so they've  
24       got that information in there.



1           You know, whether that becomes part of  
2     the Title V permit -- sometimes they don't  
3     actually go through that process until after the  
4     Title V permit is issued for the first time.  
5     Maybe on renewal some of those permit terms can go  
6     in there.

7           The problem is, in a MACT standard, if  
8     they have options, which a lot of MACT standards  
9     have, you know, pick from Option A, B, C, or D,  
10    they may want to retain the flexibility at some  
11    point of going to another option in the future.  
12    If Option A is hard-coded into that permit, then  
13    that tends to limit their flexibility to choose  
14    that in the past.

15          Now, you can do things with operating  
16    scenarios or some maybe list some of the flexible  
17    permitting kind of things, but the reluctance to  
18    go too far is that it may tend to limit  
19    flexibility. In situations where there are no  
20    options and it's clear this is what you have to  
21    do, then I don't think there is any problem with  
22    that. Because they need to know that, too.

23          MS. POWELL: Have you seen a good permit that  
24    laid out the MACT polls and actually did the

1 operational flexibility, and explained --

2 MR. EVANS: I've seen very few good permits.

3 MS. POWELL: I think it would be really  
4 helpful to have an example of one that actually  
5 does spell out what the source has to do.

6 MR. EVANS: As far as the MACT standard, like  
7 complicated MACT standards, something like the  
8 refinery MACT or SOCM I MACT or anything, I have  
9 never seen a good permit that I think meets that  
10 balances. Either they've gone to one extreme or  
11 the other. Either they put in the entire MACT or  
12 refinery SOCM I standard, or they've just  
13 incorporated it by reference.

14 The problem is it's a huge amount of  
15 work to do that. That's why I'm thinking maybe on  
16 renewal, when the source has gone through that  
17 exercise, it may take, you know, months to do  
18 that, then maybe some of those things could be  
19 incorporated in the renewal kind of permit.

20 It's frustrating though; for me, too,  
21 because I need to know. When I go into a source,  
22 I need to know what are you complying with here?  
23 Exactly what are you doing here? Sometimes that's  
24 a very complicated process to pull that out.

1           MR. HARNETT: Shannon Broome.

2           MS. BROOME: I'm going to go back to your  
3           slide up here that I've been sitting here staring  
4           at, and I was wondering -- there has been a lot of  
5           discussion about the slowness in issuing initial  
6           Title V permits. You look at the numbers, and  
7           have you found that -- and this relates to your  
8           point about negotiating the monitoring -- that the  
9           discussions on the monitoring on these small units  
10          have delayed kind of the process in getting the  
11          initial permits out, kept people from moving to  
12          the next one because they're sitting there saying,  
13          "Well, on this small emission unit, should we look  
14          at this every day or every shift or every month,"  
15          or has that played in at all?

16          MR. EVANS: I think it has a little bit. I'm  
17          not sure it's significant though. I think what  
18          has tended to be the case in a lot of the ones  
19          we're involved with is they'll come up with a  
20          model for an industry, and then they'll try to  
21          just rubber-stamp that model on all the other  
22          ones. Most of the delays have been in trying to  
23          get them away from that model that they have in  
24          their head about how that permit should be written

1       and say, "Well, it's fine you did that for the  
2       site down the road, but we operate a little bit  
3       differently here, and we would like to get these  
4       things changed." That takes the most amount of  
5       time.

6               Some of that does involve issues of  
7       monitoring with those small sources without a  
8       doubt. I just don't think that's the main reason  
9       why there have been delays.

10              MS. BROOME: Okay. Thank you very much.

11              MR. EVANS: Sure.

12              MR. HARNETT: Don van der Vaart.

13              MR. VAN DER VAART: Thanks so much, Bill.

14              This is great. I want to pick up what  
15       Carol was saying. Remember that Carol's question  
16       was, Gee, we have this temperature that we're  
17       trying to stay above, whatever it is, say  
18       1500 degrees, and what does poor Carol do when  
19       there are instances when you drop below. That's  
20       great.

21              Now, I've got a time machine, and I want  
22       everybody to step into the time machine with me,  
23       and we're going to go back into time, and we'll  
24       get out, guess where, when we issued the permit.

1       Here is the question.

2               Don't you agree that this whole issue of  
3       what are we going to do when we drop below 1500  
  
4       should have been addressed at the time of the  
5       permit issuance? In keeping with the requirement  
6       that the Title V permit should have a monitoring  
7       strategy that determines compliance, isn't that  
8       the time when we get together and say, Look, what  
9       do you think really will determine? What would  
10      you be happy with, and what would we be happy with?

11              And that's the point where we define  
12      that temperature. And that temperature may be  
13      1300 degrees. But the question is, once we get  
14      that right, that's not really -- then we go back  
15      into the present, and we shouldn't be too  
16      concerned. At that point you have to live and die  
17      with that decision.

18              In other words, we shouldn't have issued  
19      the permit in the first place, if we are -- if we  
20      together weren't satisfied that we could live with  
21      that limit.

22              MR. EVANS: Two parts to that. The first is  
23      how much you do ahead of time. And I absolutely  
24      agree with you. The biggest problem that we

1 found -- and I said early on that I spent most of  
2 my time with Title V implementation. The biggest  
3 problem that I have is trying to find out how to  
4 help facilities comply with Title V permits that  
5 were poorly negotiated and poorly written and they  
6 only look at it afterward and say, "Oh, my. We  
7 have to do this? I don't know if we can do this."

8 The time to talk about these issues is  
9 before the application is done, and certainly  
10 during technical review, when you sit down and go  
11 through those terms. And so many times that was  
12 not done, and that just creates bad permits and  
13 bad time on both sides of the aisle.

14 The other part of that is, once you have  
15 those limits in there, should they be rock solid?  
16 I guess my answer to that is, in the case of a  
17 thermal oxidizer, that's a pretty straightforward  
18 example. I talked about the fact that, you know,  
19 high correlation. I think in that case there is  
20 pretty high correlation between that temperature  
21 and that destruction efficiency, and you can make  
22 a case that when you're dropping below, that you  
23 can -- I think it's fairly easy to make a  
24 determination.

1                   For a lot of parameter monitoring, like  
2           the nox, for example, you can put that in the  
3           permit, but there is still no information to know  
4           if you're dropping or you're raising above -- from  
5           3. -- to 33.1, that that means that you're out of  
6           compliance.

7           MR. VAN DER VAART: Right, but I'll just come  
8           back and say that if that's the case, we need to  
9           go back in my time machine and fix those, too.

10                  My point is, is I don't think the permit  
11           should ever go out until we're all satisfied that  
12           we really are doing a good job.

13           MR. EVANS: To quantify, if we're looking at  
14           their chart up here, if we wanted to do that for  
15           every single one of those 70 percent of the  
16           sources --

17           MR. VAN DER VAART: But the difference is on  
18           those 70 percent of point sources, the parameters  
19           that we ask you to use are going to be so forgiving  
20           that you all will agree that, yeah, the problem --

21           MR. EVANS: That would be the hope.

22           MR. VAN DER VAART: Sure.

23                  And one last question is, have you ever  
24           argued against reference test methods.

1           MR. EVANS: Oh, sure. All the time. To me  
2           there is nothing sacred about reference test  
3           method. Most of them or some of them are just not  
4           appropriate for certain situations. Low nox is  
5           one example.

6           MR. HARNETT: Lauren Freeman.

7           MS. FREEMAN: I'm glad Don asked that  
8           question, because listening to Carol's question,  
9           which sounded to me getting very close to CAM, if  
10          that's a control device parameter, wouldn't CAM  
11          require -- I mean, I know this issue -- probably  
12          remember we struggled with in CAM, what you do if  
13          you go outside a parameter and you don't know  
14          whether you're in compliance or out of compliance  
15          with emission limit. All you know is your control  
16          device is not within parameter.

17          MR. EVANS: Right.

18          MS. FREEMAN: CAM has a requirement to insert  
19          a permit term, doesn't it, an enforceable permit  
20          term to investigate and correct, and if that  
21          happens a lot, you get equipped.

22                 So I guess I'm wondering -- in your  
23          experience I know CAM is just really getting off  
24          the ground. There probably aren't a lot of



1       permits issued now with enforceable CAM plants  
2       that's happening now.  Whether you've seen CAM  
3       plants implemented, and whether those terms are  
4       getting put in appropriately to have enforceable  
5       requirements.

6               MR. EVANS:  We've prepared CAM plans.  Again,  
7       it's been so new, we actually haven't seen them in  
8       operation for extended periods of time.  But we've  
9       had a lot of experience with non-CAM parameter-  
10      type monitoring.  When you do sit down and you  
11      come up with -- whether it's a CAM plan or whether  
12      you try to come up with an approach for parameter  
13      monitoring, it's certainly the intention that you  
14      want to characterize the normal operation of that  
15      source.  Sometimes -- most of the time, I think,  
16      you can do that pretty well.

17              But occasionally when you do that, and  
18      then you get into an operational mode, and you  
19      have -- especially if you haven't exercised your  
20      process to its limits, you find that you made some  
21      poor assumptions about how that operates, and you  
22      may have to go back and revisit that.

23              The way that should be addressed and is  
24      addressed in CAM is that you treat that as a

